

**To:** Timothy Rice[timothy.rice@dec.ny.gov]; Stephen M. Gavitt[stephen.gavitt@health.ny.gov]  
**From:** Daly, Eric  
**Sent:** Wed 6/22/2016 6:15:50 PM  
**Subject:** NFB TENORM

Good Afternoon;

I apologize for not getting back to you sooner. I had the TENORM email on my "to do" list.

I mentioned saying "low level radioactive material" throughout my communications with the public or press. So are you making the distinction between a Low Level Radioactive Waste versus a Low Activity Radioactive Waste? I do not refer to material as LLRW.

In trying to remember why I brought up being hesitant about using word TENORM, I recalled our group discussing not using TENORM during public interviews as to not confuse or over complicate. Having to define what that means, etc. However, both TENORM (spelled out) followed by "containing low level radioactive material" is in our fact sheet.

I have not communicated with Dan Telvock since the day after the interview. He has fact sheet.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

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On Jun 13, 2016, at 1:51 PM, Rice, Timothy B (DEC) <[timothy.rice@dec.ny.gov](mailto:timothy.rice@dec.ny.gov)> wrote:

Okay, I would appreciate hearing what Lyndsey has to say about it. We should make every effort to reach agreement on this as soon as possible.

I will look into tire disposal options and get back to you, but to my knowledge the state itself does not take waste tires. We do allow tire dealers to charge a fee to take them for recycling.

Thanks,

Tim

**From:** Daly, Eric [<mailto:Daly.Eric@epa.gov>]  
**Sent:** Monday, June 13, 2016 1:43 PM  
**To:** Rice, Timothy B (DEC) <[timothy.rice@dec.ny.gov](mailto:timothy.rice@dec.ny.gov)>  
**Subject:** NFB Interview/Tires

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Hi Tim. I will have to get back to you on the TENORM definition. I know that I spoke with Lyndsey (health physicist) about this and I think it can be misleading calling it TENORM as well. I will clarify if asked by the reporter or others but yes, I am saying it is a material that has low level activity.

On a separate issue...does the state have a program that takes old tires? We have some stockpiled and I wanted to check with you prior to figuring out disposal.

Thanks

**From:** Rice, Timothy B (DEC) [<mailto:timothy.rice@dec.ny.gov>]  
**Sent:** Monday, June 13, 2016 9:24 AM

**To:** Daly, Eric <[Daly.Eric@epa.gov](mailto:Daly.Eric@epa.gov)>  
**Subject:** RE: Interview

Eric,

You referred to the contamination as low level radiological material.

I understand you meant that in the context of the level of activity, but I am concerned that Mr. Telvock may misinterpret that as LLRW (as many reporters have done), which this is not.

It is processed and concentrated NORM (Part 380), otherwise called TENORM (EPA).

If he contacts you again maybe you can work that into the conversation?

Thanks Again,

Tim

**From:** Daly, Eric [<mailto:Daly.Eric@epa.gov>]  
**Sent:** Friday, June 10, 2016 4:34 PM  
**To:** Rice, Timothy B (DEC) <[timothy.rice@dec.ny.gov](mailto:timothy.rice@dec.ny.gov)>  
**Subject:** RE: Interview

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I assume it is a number we see from the outside but we cannot call back to. But that is the number you called from today. If you have further questions please call me anytime. I am working tomorrow and I will be back at the site 7:00 am Monday

**From:** Rice, Timothy B (DEC) [<mailto:timothy.rice@dec.ny.gov>]  
**Sent:** Friday, June 10, 2016 4:32 PM  
**To:** Daly, Eric <[Daly.Eric@epa.gov](mailto:Daly.Eric@epa.gov)>  
**Subject:** Re: Interview

8789 is my desk  
I have no idea what the other one is. Not one of mine

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**From:** Daly, Eric <[Daly.Eric@epa.gov](mailto:Daly.Eric@epa.gov)>  
**Sent:** Friday, June 10, 2016 4:08:23 PM  
**To:** Rice, Timothy B (DEC)  
**Subject:** Interview

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hi Tim:

Please send me another phone number for future communications.

I called this number 518-402-8789 and got a voice mail. I am not sure if that is your office number or cell. However, even when I called you back earlier this morning, I did not get an answer.

The phone number you called from, 518-391-4564, I get a not in service message. I assume this is your office land line but a person cannot call that number directly.

The interview went well. We went over some photos I had in the trailer which showed sampling cores we obtained. This showed the layers (Concrete, asphalt, slag, natural soil). We discussed our clearing of vegetation from the wooded area. The gamma survey we conducted after the clearing. I then went outside and he did the video interview. It was all about the history as expected "Why did it take so long? Who put the fill there? Why did the NYS DOH concur with the previous owner to dig up the asphalt (which I told

him I was unaware that this happened). He tried to get me to place accountability. During the interview I did say that NYS DOH advised the property owners not to utilize interior spaces as offices that had elevated levels and to perform intrusive work without consulting the state. He did present questions that were leading. Like "Isn't this hazardous and don't you think this should have been addressed earlier?". NYS "punting" the site to EPA. I think I handled it well. Well enough for him to call our public affairs office and request answers to questions I didn't have answers to. He also went back and forth into Holy Trinity. Asking questions about the grass being mowed and kids playing there in the past. I stressed the depth of the contamination and that it is low level radiological material. We spoke off camera more and I was more blunt with him regarding him asking me questions regarding EPA programs or other agency programs. I informed him I do not know the answers regarding NYS removal parameters, funding at the time, etc. Just like I do not know the criteria our Remedial Program uses to determine if a site scores high enough to be listed on the National Priority List. I also stressed that the two sites did not score high enough to qualify for the NPL which means that the Remedial Program could not justify a remediation. Not until the site was referred to our removal program and after conducting more assessment work, did we determine a removal action could be conducted. There was mention of 50 other radiological sites. I told him I am not aware of this list but if those sites were referred to us they would be assessed the same way.

I hope that helps.

I met up with Ken Martin this afternoon. We walked the site and discussed the operations.

Regards,

Eric

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